

LEO DROZDOFF
Director

Department of Conservation
and Natural Resources

BRIAN SANDOVAL
Governor



State Land Office
State Land Use Planning Agency
Nevada Tahoe Resource Team
Conservation Bond Program -Q1

Address Reply to

Division of State Lands
901 S. Stewart St. Suite 5003
Carson City, Nevada 89701-5246
Phone (775) 684-2720
Fax (775) 684-2721
Web www.lands.nv.gov

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

**PUBLIC HEARING PROPOSING NEW REGULATIONS REGARDING THE DELEGATION
OF AUTHORITY AND CONCURRENT REPEAL OF NEVADA ADMINISTRATIVE CODE
SECTIONS 445A.028 THROUGH 445A.052**

**Tuesday, July 22, 2014
9:30 a.m. to 11:00 a.m.**

**Bryan State Office Building
Tahoe Hearing Room (NDWR, 2nd Floor)
901 S. Stewart Street
Carson City, Nevada 89701**

AGENDA

Items on the Agenda may be taken out of order.

1. Introduction and brief explanation of proposed language. **NOT FOR ACTION**
2. Public questions and comments regarding the proposed language. Public comments may be limited to 3-5 minutes per person. No action will be taken on any items raised in the public comment period that are already not on the agenda. **NOT FOR ACTION**
3. Consideration of public comments and possible adoption of regulation 149-13. ***FOR POSSIBLE ACTION***
4. Public questions and comments regarding the proposed language. Public comments may be limited to 3-5 minutes per person. No action will be taken on any items raised in the public comment period that are already not on the agenda. **NOT FOR ACTION**
5. Adjournment.

The proposed regulations are available on the NDSL website at: www.lands.nv.gov. A copy may also be obtained at the hearing or from Elyse Randles at NDSL, 901 S. Stewart Street #5003 Carson City, NV 89701 or by calling (775) 684-2735 or email to erandles@lands.nv.gov.

Members of the public who are disabled and require special accommodations or assistance at the hearing are requested to notify Elyse Randles no later than 5:00 p.m. on July 11, 2014.

Notice of this meeting was posted at the following Nevada locations:

**Department of Conservation and Natural Resources, 901 S. Stewart Street, Carson City
State Legislative Building, 401 S. Carson Street, Carson City
Nevada State Library and Archives, 100 S. Stewart Street, Carson City
Tahoe Regional Planning Agency, 128 Market Street, Stateline
Clark County Administrative Offices, 101 Civic Way, Laughlin
As well as the main branch of public libraries in all Nevada counties**

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STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

NOTICE OF INTENT TO ACT UPON A REGULATION
(NRS 233B.060)

The Department of Conservation and Natural Resources will hold a public hearing to adopt permanent regulations (LCB File R149-13) as follows:

DATE: Tuesday, July 22, 2014

TIME: 9:30 a.m.

**PLACE: Bryan State Office Building
901 S. Stewart Street
2nd Floor Tahoe Hearing Room
Carson City, Nevada 89701**

The purpose of the hearing is to receive comments from all interested persons regarding the agency's intent to adopt permanent regulations pertaining to delegation of authority from the Director's Office of the Department of Conservation and Natural Resources to the Nevada Division of State Lands with respect to issuing permits at Lake Tahoe. This regulation will also repeal sections 445A.028 through 445A.052 of the Nevada Administrative Code.

The following information is provided pursuant to the applicable requirements of NRS 233B.0603:

1. **The need for and purpose of the proposed regulation:** The Department of Conservation and Natural Resources (Department) has authority to issue permits for construction activities at Lake Tahoe under NRS 445A.170. The Division of State Lands (Division) has authority to authorize the use of state land, including the bed of Lake Tahoe, under NRS 322. The proposed regulation allows for the formal recognition of delegation of authority from the Department to the Division to issue permits and the use of state land at Lake Tahoe.
2. **How to obtain the approved or revised text of regulation prepared by LCB:** Copies of the proposed regulations may be obtained by writing to the Nevada Division of State Lands, 901 S. Stewart Street #5003, Carson City, Nevada 89701 or by calling (775) 684-2735. The proposed regulations are also available for review on the Division's website at www.lands.nv.gov.

3. **Statement of the estimated economic effect of the regulations on the business which it is to regulate and on the public.** The regulations address the delegation of authority from the Department to the Division to authorize the use of state land at Lake Tahoe. The majority of applications requesting the use of state land at Lake Tahoe are submitted for private, recreational use.
 - (a) The Department has determined that by adopting these regulations that no adverse or beneficial effects will occur to small business or the public.
 - (b) The Department has determined that there are no immediate or long term effects of the regulations proposed in R149-13 as the Division has been authorizing the use of state land at Lake Tahoe under the authority of NRS 322. The regulations simply formalize the delegation of authority.
4. **Statement identifying the methods used by the agency in determining the impact on small business:** The Department used informed and reasonable judgment to determine that there will be no impact on small businesses from the proposed regulations as the majority of authorized users of state land at Lake Tahoe are private individuals. Comments were also solicited during the public workshop and no objections or concerns from small business representatives were raised.
5. **The estimated cost to the agency for enforcement of the proposed regulations:** The Department anticipates no additional costs to enforce the proposed regulations.
6. **A description of overlapping regulations from another state or local government:** Certain sections of 445A of the Nevada Administrative Code contain overlapping language with the proposed regulations. These sections, specifically NAC 445A.028 through 445A.052, are proposed to be repealed upon the adoption of permanent regulations R149-13. There are no other state, local government or federal regulations that contain overlapping language to the proposed regulations.
7. **Is the regulation required by federal law?** No, the proposed regulations are not required by federal law.
8. **Does the regulation include provisions which are more stringent than a federal regulation that regulates the same activity?** No, the proposed regulations do not contain language that is more stringent than federal regulations for the same activity.
9. The proposed regulations do not include provisions for a new fee or an increase in existing fees.

Persons wishing to comment on the proposed regulation may appear at the scheduled public hearing or may address their comments, data, views or arguments in written form to the Division of State Lands, 901 S. Stewart Street #5003, Carson City Nevada 89701. The Division of State Lands must receive all written submissions on or before **July 11, 2014**. If no person who is directly affected by the proposed actions appears to request time to make an oral presentation, the Division of State Lands may proceed immediately to action upon any written submissions.

A copy of this notice and the regulations to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted will be available at the Division of State Land, 901 S. Stewart Street #5003, Carson City Nevada 89701, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

The Division of State Lands website at www.lands.nv.gov

State Library and Archives Building, 100 Stewart Street, Carson City
Department of Conservation and Natural Resources, Bryan Building, 901 S. Stewart Street, Carson City
Tahoe Regional Planning Agency 128 Market Street, Stateline, Nevada
Clark County Administrative Offices, 101 Civic Way, Laughlin

Carson City Library
900 North Roop Street
Carson City, Nevada 89701-3101

Lincoln County Library
63 Main Street
Pioche, Nevada 89043

Churchill County Library
553 South Main Street
Fallon, Nevada 89406-3306

Lyon County Library System
20 Nevin Way
Yerington, Nevada 89447-2399

Las Vegas-Clark County Library District
833 Las Vegas Boulevard North
Las Vegas, Nevada 89101-2062

Mineral County Public Library
P.O. Box 1390
Hawthorne, Nevada 89415

Douglas County Public Library
1625 Library Lane
Minden, Nevada 89423-0337

Pershing County Library
1125 Central Ave.
Lovelock, Nevada 89419

Elko County Library
P.O. Box 430
Goldfield, Nevada 89013-0430

Storey County Treasurer and Clerk's Office
Drawer D
Virginia City, Nevada 89440

Esmeralda County Library
10190 Monroe Street
Eureka, Nevada 89316

Tonopah Public Library (Nye County)
P.O. Box 449
Tonopah, Nevada 89049

**Humboldt County Library
85 East 5th Street
Winnemucca, Nevada 89445-3095**

**Washoe County Library System
301 South Center Street
Reno, Nevada 89501-2102**

**Battle Mountain Branch Library (Lander County)
625 South Broad Street
Battle Mountain, Nevada 89820**

**White Pine County Library
950 Campton Street
Ely, Nevada 89301**

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DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

REGULATION SMALL BUSINESS IMPACT STATEMENT

The Department of Conservation and Natural Resources has determined that the adoption of the attached proposed regulations do not impose a significant economic burden on small businesses, nor will they restrict the formation, operation or expansion of small business.

Department staff thoroughly analyzed whether the proposed regulations could cause small business any economic burden, and none of the language was found to directly or significantly affect business in Nevada. Comments were also solicited during the public workshop and no objections or concerns from small business representatives were raised.

These regulations impact the use of state owned sovereign land which, for the most part, is permitted for private, recreational uses. The regulations do not propose any new fees or new regulatory requirements.

I certify, to the best of my knowledge or belief, that a concerted effort was made to determine the impact of the proposed regulations on small business and that the information contained in this statement is accurate.

A handwritten signature in blue ink, appearing to read "Kay Scherer", is written over a horizontal line.

KAY SCHERER
Deputy Director
Department of Conservation and Natural Resources

6/17/14
Date